## REMARKS

Claims 1 to 7, 11-14, 16-18, 25, 27, and 30 are pending in this application. Claims 3-5, 12-14, 16, 27, 29 and 30 are amended herein. Entry of the amendment is respectfully requested. It is respectfully submitted that no new issues are raised by the amendments.

The Rejection under 35 U.S.C. §112

Claims 12-13 are rejected under 35 U.S.C. §112, second paragraph for the reasons expressed at pages 2-3 of the Office Action.

Claims 3, 4, 12, 13, and 14 are amended to recite "strut piston" for purposes of clarification. Claims 12 and 13 are amended to recite a "hydraulic cylinder piston" to distinguish the piston in the hydraulic cylinder from that in the strut cylinder.

Claim 5 is amended to correct the informality regarding recitation of the "height sensor" and the "height regulator valve".

It is respectfully submitted that the informalities have been corrected. Reconsideration and withdrawal of the rejection are respectfully requested.

The Rejection under Prior Art

Claims 1-7, 11, 14, 16-18, 25 and 27-28 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,858,898 (Niikura et al."). This rejection is respectfully traversed..

Claim 27 recites, inter alia, as follows (with emphasis added)

> the spring element comprises an auxiliary spring which is concentrically arranged with the strut, encloses the strut cylinder, and is preloaded by

hydraulic cylinder which is connected with the strut cylinder piston space.

The advantages of this arrangement are e.g. described in the paragraphs 11 to 15 on page 1 of the application publication document (Pub. No. U.S. 2005/0029064A1) of the present invention. The claimed arrangement has the advantage that a pressure drop in the hydraulic system automatically leads to a pressure drop in the auxiliary-spring hydraulic cylinder. Thus, the auxiliary spring will be released. Furthermore, it should be stressed that this feature creates the possibility of lowering the vehicle in normal operation below the auxiliary spring height, which is desirable in certain applications. If the hydraulic pressure falls, the spring descends because of the drop in pressure in the hydraulic cylinder and is available for auxiliary operation.

In contrast, U.S. 4,858,898 describes in column 3, lines 45 to 53, a rubber bumper 41. The examiner holds the view that item 41 could be an auxiliary spring. However, item 41 is identified as a rubber bumper which serves as a stopper means to define a stroke end. This is not equivalent to Applicant's auxiliary spring (20) which takes over in the event of an error (e.g., drop in pressure in the hydraulic system of the HP strut) to cushion the movement of the body or bogie against stop plate 130. In normal operation auxiliary spring 20 is not engaged. Rubber bumper 41 according to U.S. 4,858,898 is, in any case, not preloaded by a hydraulic cylinder which is connected with the strut cylinder piston space.

Niikura et al. neither discloses nor suggests an auxiliary spring preloaded by a hydraulic cylinder which is connected with the strut cylinder piston space, as required by claim 27. Hence,

claim 27 and all claims depending therefrom are submitted to be allowable over Niikura et al. Reconsideration and withdrawal of the rejection are respectfully requested.

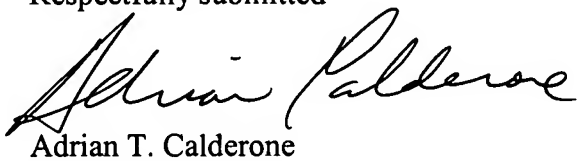
The Allowed Claims

Claims 12-13 and 29-30 are deemed to be allowable if rewritten to correct informalities and be placed in independent format. Claim 12 is amended to correct the informalities as noted above. Claim 29 is placed into independent form by substantially incorporating the recitations of claims 27, 1, and 28. It is respectfully submitted that these claims are now in condition for allowance.

CONCLUSION

For at least the reasons stated above all of the pending claims are submitted to be in condition for allowance, the same being respectfully requested.

Respectfully submitted



Adrian T. Calderone
Reg. No. 31,746
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
Tel: (516) 228-8484
Fax: (516) 228-8516